



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

FEB 12 2014

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5967 8466

Tony F. Mack, Mayor
City of Trenton
319 East State Street
Trenton, NJ 08608

RE: In the Matter of: Trenton Water Works
PWS ID: NJ1111001, Docket No. SDWA-02-2014-8009

Honorable Mayor Mack:

Enclosed you will find an Administrative Order ("AO" or "ORDER"). Among other things, the AO finds that Trenton Water Works is a public water supplier as defined by the Safe Drinking Water Act ("SDWA") and 40 C.F.R. §141.2, and is, therefore, subject to its requirements. The Environmental Protection Agency ("EPA") also finds that Trenton Water Works failed to comply with the SDWA and the New Jersey Department of Environmental Protection ("NJDEP") regulation N.J.A.C. 7:10.


On July 17, 2013, EPA issued an AO to Trenton Water Works (Docket No. SDWA-02-2013-8013), for violations of the SDWA and NJDEP applicable regulations. In response to the AO, by letter dated November 26, 2013, Trenton Water Works submitted an action plan for the correction of identified violations. The enclosed AO supersedes the previous AO, includes a long term schedule to address violations identified during EPA's inspection conducted May 3-13, 2013, and requires Trenton Water Works to comply with the SDWA and NJDEP applicable regulations.

EPA Region 2 encourages you to consider using various "green" practices during the implementation of the work required by this AO. The overall goals of these practices are to minimize environmental and public health impacts and preserve natural resources and energy during construction and remediation projects. In many instances, these practices will also reduce the costs of such projects. Examples include energy conservation and efficiency approaches, use of renewable energy, use of cleaner fuels and clean diesel technologies, industrial materials reuse or recycling, water conservation techniques, and environmentally preferable purchasing. A more comprehensive list of these practices is enclosed within.

I urge your cooperation in assuring that the requirements of the enclosed AO are met. The violation of an AO may subject the violator to an administratively assessed civil penalty not to exceed \$37,500 per day of violation.

If you have any questions regarding this matter, please contact Nicole Foley Kraft, Chief,
Groundwater Compliance Section at (212) 637-3093.

Sincerely,



Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosure

cc: Marcedius Jameson, NJDEP
Rai Belonzi, NJDEP
Karen Fell, NJDEP

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY
NEW YORK, NY 10007-1866**

IN THE MATTER OF:

Trenton Water Works
Route 29
Trenton, NJ 08604

PWS ID: NJ1111001

Respondent

**ADMINISTRATIVE ORDER
Docket No.
SDWA-02-2014-8009**

I. STATUTORY AUTHORITY

The following findings are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("SDWA" or "the Act"), 42 U.S.C. Section 300g-3(g), and duly delegated to the Director of the Division of Enforcement and Compliance Assistance of Region 2.

II. FINDINGS

1. The City of Trenton (hereinafter "Respondent") owns and/or operates the Trenton Water Works "public water system", within the meaning of Section 1401(4) of the SDWA, 42 U.S.C. §300f(4), and 40 C.F.R. §141.2, located in Trenton, NJ.
2. Respondent is a "supplier of water" within the meaning of Section 1401(5) of the SDWA, 42 U.S.C. §300(f)(5), and 40 C.F.R. §141.2.
3. Respondent is a "person" within the meaning of Section 1401(12) of the SDWA, 42 U.S.C. §300f(12), and is subject to an Administrative Order ("AO" or "ORDER") issued under Section 1414(g)(1) of the SDWA, 42 U.S.C. §300(g)-3(1).
4. Respondent's public water system ("PWS") provides water for human consumption. Respondent's PWS regularly serves at least 15 service connections used by year-round residents and/or serves a population of at least 25 individuals, and is therefore a "community water system" ("CWS"), as defined by Section 1401(15) of the SDWA, 42 U.S.C. §300f(15). Respondent is therefore, subject to the requirements of Part B of the SDWA, 42 U.S.C. §300g *et seq.*, and its implementing regulations found at 40 C.F.R. Part 141.
5. The New Jersey Department of Environmental Protection ("NJDEP" or "State") administers the Public Water Supply Supervision Program in New Jersey pursuant to Section 1413 of the SDWA. The approval of primary enforcement responsibility from EPA to NJDEP was effective as of

July 13, 1979. NJDEP is the primacy agency, as that term is defined in 40 C.F.R. §142.2. However, NJDEP referred the Trenton Water Works PWS to EPA for further investigation and appropriate action as part of the Fiscal Year (FY) 2013 EPA-NJDEP Inspection Workplan.

6. Pursuant to Section 1414(i)(4) of the SDWA, 42 U.S.C. §300g-3(i)(4), the implementing regulations for New Jersey's Safe Drinking Water Program (N.J.A.C. 7:10) are applicable requirements of the SDWA.
7. Pursuant to 40 C.F.R §141.74(c)(1), the combined filter effluent ("CFE") turbidity monitoring must be performed on representative samples of the system's filtered water every four hours (or more frequently) that the system serves water to the public. A PWS may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by the State.
8. Pursuant to N.J.A.C. 7:10-9.6(a) and (b), each supplier of water with an existing surface water filtration plant shall install a continuous analyzer/recorder to monitor the turbidity of the CFE or plant effluent by June 30, 1997. The accuracy of performance of each analyzer/recorder shall be verified by taking a grab sample of the effluent at least once in every 24-hour period.
9. Pursuant to 40 C.F.R. §141.74(c)(2), the residual disinfectant concentration of water entering the distribution system must be monitored continuously, and the lowest value must be recorded each day, except that if there is a failure in the continuous monitoring equipment, grab sampling every four hours may be conducted in lieu of continuous monitoring, but for no more than five working days following the failure of the equipment.
10. Pursuant to N.J.A.C. 7:10-11:12 (a)(4), chemical feeders in the drinking water treatment process shall be equipped with a device that accurately measures the amount of chemical feed.
11. Pursuant to 40 C.F.R. §141.33, the owner or operator of a PWS must keep turbidity analysis for not less than 5 years; records of chemical analyses required pursuant to 40 C.F.R. Part 141 must be kept for not less than 10 years.
12. Pursuant to 40 C.F.R. §141.723, a significant deficiency includes a defect in design, operation, or maintenance, or a failure of malfunction of the sources, treatment, storage, or distribution system that EPA determines to be causing, or has the potential for causing the introduction of contamination into the water delivered to consumers.
13. Pursuant to 40 C.F.R. §141.723, for sanitary surveys performed by EPA, systems must respond no later than 45 days after receipt of the report, indicating how and on what schedule the system will address identified significant deficiencies. Systems must correct significant deficiencies according to the schedule approved by EPA. Failure to comply with this requirement is a treatment technique violation.
14. On May 3-13, 2013, EPA and NJDEP conducted a sanitary survey at Respondent's PWS. Pursuant to 40 C.F.R. §141.723, a sanitary survey is an onsite review of the water source, facilities, equipment, operation, maintenance, and monitoring compliance of a PWS to evaluate the adequacy of the PWS, its source and operations, and the distribution of safe drinking water. By letter dated July 12, 2013, EPA notified Respondent of the violations, significant deficiencies and findings

identified during the May 2013 sanitary survey. The violations identified included, but are not limited to:

- a. Failure to continuously monitor the CFE turbidity.
 - b. Failure to continuously monitor the residual disinfectant concentration entering the distribution system.
 - c. Failure to equip the ferric chloride and fluoride chemical feeders with devices that accurately measure the amount of chemical feed (day tanks).
15. On July 17, 2013, EPA issued an Administrative Order (Docket Number SDWA-02-2013-8013) to Respondent, to address violations of the SDWA and NJDEP applicable regulations. Among other things, the AO required the Respondent to submit an action plan for the correction of identified violations.
16. During a meeting conducted on September 19, 2013, and in response to EPA's request of historical data for chlorine residual concentration, CFE and Individual Filter Effluent ("IFE") turbidity, Respondent explained that, due to problems with the SCADA system, the historical data was incomplete and/or unreliable. Therefore, Respondent failed to comply with the recordkeeping requirements of 40 C.F.R. §141.33.
17. By letter dated November 26, 2013, Respondent submitted an action plan for the correction of outstanding violations which included, among other things, project schedules for the day tank improvements and SCADA system improvements.
18. In addition to the action plan for the correction of outstanding violations, Respondent's November 26, 2013 letter described actions to be taken to address significant deficiencies which included the following:
- a. Improvements to the Whitehorse Storage Tank to correct the lack of circulation, by September 23, 2015.
 - b. Continuous monitoring and analysis of the leak near the floor of the east clearwell and evaluation of the results to determine if remedial actions are to be taken.
19. One of the significant deficiencies identified during the sanitary survey was the staffing shortage at the Respondent's PWS. Based on information provided by TWW a total of 44 people are needed to operate the treatment plant and, at the time of inspection, TWW was operating with 25. In addition, due to problems with the SCADA system, Respondent's system assigns 1 staff member to collect hourly samples, 24 hours a day. While Respondent acknowledges in its November 26, 2013 letter that the staffing shortage is a serious ongoing issue that requires immediate attention, Respondent failed to provide EPA with an action plan for the correction of this significant deficiency, in violation of 40 C.F.R. §141.723.
20. EPA is issuing this Administrative Order to establish an enforceable schedule to ensure Respondent's compliance with the requirements of the SDWA and NJDEP applicable regulations.

III. ORDER

A. Compliance with Combined Filter Effluent (CFE) Turbidity Requirements

1. By February 28, 2014, Respondent must complete installation of turbidimeters at each of the four (4) clearwells, and connection of the turbidimeters to a continuous data recorder.
2. Upon receipt of this Order, Respondent must determine compliance with the CFE turbidity performance standards (i.e. less than 0.3 NTU 95% of the time, maximum turbidity never to exceed 1 NTU,) based on continuous monitoring of each individual clearwell, or grab samples in instances when turbidimeters are not operational, using one of the compliance calculations described in paragraphs a or b listed below.
 - a. Record data and determine compliance with the CFE turbidity standards at each clearwell. An exceedance of a turbidity standard at one or more of the clearwells equates to a violation for the system.
 - b. Record data at each clearwell and determine compliance with the CFE turbidity standards based on a flow weighted average. The combined filter turbidity effluent, measured at least every 4 hours, must be based on the flow average of the clearwells.

By February 28, 2014, Respondent must notify NJDEP and EPA which method Trenton Water Works will use to determine compliance with the CFE turbidity requirements and certify that all information needed (i.e. flow rate) to make the compliance determination is readily available and Respondent has a mechanism in place to record the data.

B. Ferric Chloride and Fluoride Day Tanks

3. By May 30, 2014, Respondent must award the Day Tank Evaluation Contract.
4. By September 27, 2014, Respondent must complete the work necessary for the evaluation of the design and construction options for the ferric chloride and fluoride day tank improvements.
5. By March 5, 2015, Respondent must award the Day Tank Improvements Design Contract.
6. By September 1, 2015, Respondent must award the Day Tank Improvements Construction Contract.
7. By April 28, 2016, Respondent must complete all the work necessary for the ferric chloride and fluoride day tank improvements and commence operation of the day tanks.

C. Improvements to the SCADA System

8. By April 16, 2014, Respondent must award the SCADA System Evaluation Contract.
9. By November 11, 2014, Respondent must complete all work necessary to complete the evaluation of the SCADA system including evaluation of software and hardware, recommendations for improvements, corrective measures and preliminary design.

10. By March 11, 2015, Respondent must evaluate the SCADA report and prepare the RFP for system improvements.
11. By July 9, 2015, Respondent must award the SCADA System Improvements Design Contract.
12. By December 6, 2015, Respondent must complete all work necessary for the SCADA system improvements design.
13. By April 4, 2016, Respondent must award the SCADA System Improvements Construction Contract for improvement and/or replacement of the SCADA system.
14. By January 30, 2017, Respondent must complete all work necessary to ensure a functional SCADA system and the SCADA must be fully operational.

D. Fulfillment of Vacancies

15. By February 28, 2014, Respondent must submit a description and schematic of all the vacancies at Respondent's treatment plant.
16. By May 31, 2014, Respondent must fill 5 of the vacancies identified in paragraph 15 above. Respondent must clearly identify which vacancies have been filled.
17. By November 30, 2014, Respondent must fill an additional 4 of the vacancies identified in paragraph 15 above. Respondent must clearly identify which vacancies have been filled.
18. By January 31, 2015, Respondent must submit a report reassessing the fulfillment of vacancies and the impact the remaining vacancies is causing on the operation of the TWW treatment plant.

E. Progress Reports

19. Respondent must provide quarterly progress reports to the USEPA and NJDEP describing, at a minimum, all design and construction activities that have taken place during the previous quarter and activities anticipated to occur during the upcoming quarter. All construction activities shall conform to the plans and specifications approved by NJDEP. The reports must include a section on the status of completion (e.g. percent complete) for the various phases of the project (i.e. design, construction, hiring, testing, etc.). Upon the effective date of this ORDER, reports shall be submitted quarterly by April 15th, July 15th, October 15th, and January 15th until full compliance with this Order is achieved. The Report must also indicate whether the Respondent has fully complied with the milestones and, if not, describe the work remaining to be done to achieve full compliance including a schedule for completion of such work; describe any noncompliance, or known or anticipated delay which may affect compliance with any future milestones, including the duration of any expected delay and a statement of any corrective action taken or to be taken to address such noncompliance and/or to minimize delay.

20. All notices, reports, or other submissions by Respondent shall contain the following certification:

“I certify, under penalty of law, that the information contained in or accompanying this submission is true, accurate and complete based upon representations as to accuracy and completeness made to me either orally or through submission of documentation by appropriate personnel with responsibility for the matters contained herein”.

21. All information required to be submitted by this Order to EPA and NJDEP shall be mailed to:

Nicole Foley Kraft, Chief
Groundwater Compliance Section
U.S. Environmental Protection Agency
290 Broadway, 20th Floor
New York, NY 10007-1866
(212) 637-3093

and


Rai Belonzi, Chief
Bureau of Water Compliance and Enforcement-Central
New Jersey Department of Environmental Protection
Mail Code 44-03
401 E. State Street
P.O. Box 420
Trenton, NJ 08625

IV. GENERAL PROVISIONS

1. Notwithstanding Respondent's compliance with any requirement of this Order, Respondent's failure to comply with all of the requirements of the Act and Part 141 may subject Respondent to additional enforcement action, including but not limited to judicial, administrative and equitable actions.
2. This Administrative Order shall not prohibit, prevent, or otherwise preclude EPA from taking whatever action it deems appropriate to enforce the Act in any manner and shall not prohibit, prevent, or otherwise preclude EPA from using this Order in subsequent administrative or judicial proceedings. Nothing in this Order shall constitute a waiver, suspension or modification of the requirements of the Act, or the rules and regulations promulgated thereunder which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Law.
3. The Respondent may be subject to an administrative civil penalty of up to \$32,500 pursuant to Section 1414(g)(3)(B) of the Act, 42 U.S.C. §300g-3(g)(B) or a civil penalty assessed by an appropriate United States District Court that exceeds \$32,500 pursuant to Section 1414(g)(3)(C) of the Act, 42 U.S.C. §300g-3(g)(3)(C). A violation of any term of this Order may also subject the Respondent to a judicial civil penalty of up to \$37,500 per day per violation pursuant to Section 1414(b) of the Act, 42 U.S.C. §300g-3(b).

4. Respondent may seek federal judicial review of the Order pursuant to Section 1448(a) of the Act, 42 U.S.C. §300j-7(a).
5. This Order does not relieve Respondent of any responsibilities or liabilities established pursuant to any applicable federal, State or local law.
6. This Administrative Order shall take effect upon the signature of the Director, Division of Enforcement and Compliance Assistance.

ORDERED, this 12th day of FEBRUARY, 2014.



Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

